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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

ROBIN R. WILSON-SAULS,)	
)	
Plaintiff,)	Civil Case No. 07-163-AS
)	
vs.)	ORDER
)	
MICHELLE D. CURTIS; LEROY B.)	
HAINS; RONALD R. HAERTLING;)	
LTC DAVID E. HOLLIDAY; BONNIE)	
ANN LAZOR; DANIEL McBRIDE;)	
SALLY McBRIDE; and UNITED STATES)	
of AMERICA,)	
)	
Defendants.)	
_____)	

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KING, Judge:

The Honorable Donald C. Ashmanskas, United States Magistrate Judge, filed Findings and Recommendation on February 7, 2008. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Defendants have filed objections and plaintiff has filed a response.


When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a *de novo* determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Having given a *de novo* review of the issues raised in the objections to the Findings and Recommendation, I find no error.

Accordingly, I ADOPT Judge Ashmanskas's Findings and Recommendation (#104) and GRANT in part and DENY in part Federal defendants' Motion to Dismiss or, in the alternative, Motion for Summary Judgment (#70). Plaintiff's claim pursuant to 42 U.S.C. § 1983 is dismissed, but the Federal defendants' request that the United States be substituted as the party defendant in lieu of the individual defendants is denied pending an evidentiary hearing on the scope of employment.

IT IS SO ORDERED.

Dated this 25TH day of March, 2008.



Garr M. King
United States District Judge